

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Second</b>	)	
<b>Amended Accusation Against:</b>	)	
	)	
	)	
<b>MARK LAWRENCE NAZARIAN, M.D.</b>	)	<b>Case No. 800-2016-025665</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. G63835</b>	)	
	)	
<b>Respondent</b>	)	
_____	)	

**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on August 2, 2019.**

**IT IS SO ORDERED July 3, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**Kristina D. Lawson, J.D., Chair  
Panel B**

1 XAVIER BECERRA  
Attorney General of California  
2 STEVE DIEHL  
Supervising Deputy Attorney General  
3 SARAH J. JACOBS  
Deputy Attorney General  
4 State Bar No. 255899  
California Department of Justice  
5 2550 Mariposa Mall, Room 5090  
Fresno, CA 93721  
6 Telephone: (559) 705-2312  
Facsimile: (559) 445-5106  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Second Amended  
Accusation Against:  
14 **MARK LAWRENCE NAZARIAN, M.D.**  
15 **1404 W. Norwich Ave, # 102**  
**Fresno, CA 93705**  
16 **Physician's and Surgeon's Certificate No. G**  
17 **63835**  
18 Respondent.

Case No. 800-2016-025665  
OAH No. 2018060427  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
24 of California (Board). She brought this action solely in her official capacity and is represented in  
25 this matter by Xavier Becerra, Attorney General of the State of California, by Sarah J. Jacobs,  
26 Deputy Attorney General.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Second  
3 Amended Accusation No. 800-2016-025665, if proven at a hearing, constitute cause for imposing  
4 discipline upon his Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Second Amended Accusation without the expense  
6 and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
7 establish a prima facie factual basis for the charges in the Second Amended Accusation, and that  
8 Respondent hereby gives up his right to contest those charges.

9 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
10 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
11 Disciplinary Order below.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Medical Board of California.  
14 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
15 Board of California may communicate directly with the Board regarding this stipulation and  
16 settlement, without notice to or participation by Respondent or his counsel. By signing the  
17 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
18 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
19 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
20 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
21 action between the parties, and the Board shall not be disqualified from further action by having  
22 considered this matter.

23 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
25 signatures thereto, shall have the same force and effect as the originals.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following  
28 Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 1. **PUBLIC REPRIMAND.** Physician's and Surgeon's Certificate No. G 63835 issued  
3 to Respondent Mark Lawrence Nazarian, M.D. shall be and is hereby Publicly Reprimanded  
4 pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This  
5 Public Reprimand is issued in connection with the conduct as set forth in Second Amended  
6 Accusation No. 800-2016-025665.

7 2. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of  
8 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
9 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
10 Respondent shall participate in and successfully complete that program. Respondent shall  
11 provide any information and documents that the program may deem pertinent. Respondent shall  
12 successfully complete the classroom component of the program not later than six (6) months after  
13 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
14 time specified by the program, but no later than one (1) year after attending the classroom  
15 component. The professionalism program shall be at Respondent's expense and shall be in  
16 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

17 A professionalism program taken after the acts that gave rise to the charges in the  
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
19 or its designee, be accepted towards the fulfillment of this condition if the program would have  
20 been approved by the Board or its designee had the program been taken after the effective date of  
21 this Decision.

22 Respondent shall submit a certification of successful completion to the Board or its  
23 designee not later than 15 calendar days after successfully completing the program or not later  
24 than 15 calendar days after the effective date of the Decision, whichever is later.

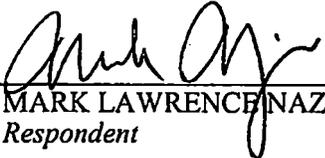
25 3. Failure to fully comply with the above terms and conditions of this Disciplinary  
26 Order shall constitute unprofessional conduct and will subject Respondent's Physician's and  
27 Surgeon's Certificate to further disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Annie Duong. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 2/27/19   
MARK LAWRENCE NAZARIAN, M.D.  
*Respondent*

I have read and fully discussed with Respondent Mark Lawrence Nazarian, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/27/19   
ANNIE DUONG  
*Attorney for Respondent*

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order in the matter of Mark Lawrence Nazarian, M.D., is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 2/22/2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
STEVE DIEHL  
Supervising Deputy Attorney General



SARAH J. JACOBS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Second Amended Accusation No.**

**800-2016-025665**

**CURRENTLY PENDING FILING**

1 XAVIER BECERRA  
Attorney General of California  
2 STEVE DIEHL  
Supervising Deputy Attorney General  
3 SARAH J. JACOBS  
Deputy Attorney General  
4 State Bar No. 255899  
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7

8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 4 20 19  
BY Sarah J. Jacobs ANALYST

10  
11 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13  
14 In the Matter of the Second Amended  
Accusation Against:

15 **MARK LAWRENCE NAZARIAN, M.D.**  
16 **1404 W. Norwich Ave., Ste. 102**  
**Fresno, CA 93705**

17 **Physician's and Surgeon's Certificate**  
18 **No. G63835,**

19 Respondent.

Case No. 800-2016-025665

**SECOND AMENDED ACCUSATION**

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Second Amended Accusation solely  
23 in her official capacity as the Executive Director of the Medical Board of California, Department  
24 of Consumer Affairs (Board).

25 2. On or about August 22, 1988, the Board issued Physician's and Surgeon's Certificate  
26 No. G63835 to Mark Lawrence Nazarian, M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on March 31, 2020, and unless renewed.

**JURISDICTION**

1  
2           3.    This Second Amended Accusation is brought before the Board, under the authority of  
3 the following laws. All section references are to the Business and Professions Code (Code)  
4 unless otherwise indicated.

5           4.    Section 2227 of the Code states:

6           “(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
7 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
8 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
9 action with the board, may, in accordance with the provisions of this chapter:

10                   “(1) Have his or her license revoked upon order of the board.

11                   “(2) Have his or her right to practice suspended for a period not to exceed one year upon  
12 order of the board.

13                   “(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
14 order of the board.

15                   “(4) Be publicly reprimanded by the board. The public reprimand may include a  
16 requirement that the licensee complete relevant educational courses approved by the board.

17                   “(5) Have any other action taken in relation to discipline as part of an order of probation, as  
18 the board or an administrative law judge may deem proper.

19           “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
20 review or advisory conferences, professional competency examinations, continuing education  
21 activities, and cost reimbursement associated therewith that are agreed to with the board and  
22 successfully completed by the licensee, or other matters made confidential or privileged by  
23 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
24 Section 803.1.”

25           5.    Section 2234 of the Code, states, in pertinent part:

26           “The board shall take action against any licensee who is charged with unprofessional  
27 conduct. In addition to other provisions of this article, unprofessional conduct includes, but  
28 is not limited to, the following:



1           12. On or about September 15, 2014, an undercover investigator for the Division of  
2 Investigations, R.H. (Investigator R.H.), called Mystique to schedule a Botox consultation.  
3 Investigator R.H. spoke with Ms. K, who identified herself as the manager. During that phone  
4 conversation, Ms. K explained that FHMC was linked to Mystique and that Respondent was  
5 present every hour. FHMC and Mystique are located at 7161 N. Howard Street, Fresno, CA  
6 93720 in different suites directly across the hall from each other.

7           13. On or about November 14, 2014, investigators from the Division of Investigation  
8 served a search warrant on Mystique. During the execution of the search warrant, patient records  
9 and personnel documents were reviewed, witnesses were interviewed, and various pieces of  
10 evidence were booked. Respondent did not give a statement during the search warrant.

11           14. On or about November 14, 2014, Ms. K was interviewed by an investigator from the  
12 Division of Investigations. During that interview, Ms. K explained that Mystique is owned by  
13 FHMC. She further explained that Respondent is made aware of any patients with contra-  
14 indications for medication provided at Mystique.

15           15. **PATIENT A:** On or about September 14, 2011, through on or about November 14,  
16 2014, Patient A received multiple treatments from nurses at Mystique, including but not limited  
17 to Botox injections. Patient A was never seen by a physician, physician assistant, or nurse  
18 practitioner at any of these appointments, with the exception of November 5, 2013, when Nurse  
19 Practitioner S.T. completed a "Skin Care Standing Order," authorizing continued treatment.

20           16. On or about November 26, 2014, Patient A appeared for an appointment at Mystique  
21 for Botox treatment. She was seen for the first time by Respondent, who failed to perform an  
22 appropriate examination of Patient A prior to her receiving Botox treatment performed by a nurse.

23           17. **PATIENT B:** On or about April 11, 2014, through on or about September 19, 2014,  
24 Patient B received multiple laser hair removal treatments from nurses at Mystique. Patient B was  
25 never seen by a physician, physician assistant, or nurse practitioner at any of these appointments  
26 prior to receiving treatment.

27           18. On or about December 12, 2014, Patient B appeared for an appointment at Mystique  
28 for Laser Hair Removal. She was seen for the first time by Respondent, who failed to perform an

1 appropriate examination of Patient B prior to her receiving Laser Hair Removal treatment  
2 performed by a nurse.

3 19. Respondent's failure to perform prior appropriate examinations of Patient A and B,  
4 before receiving Botox injections and laser hair removal treatment performed by nurses,  
5 constitutes repeated acts of negligence.

6 **DISCIPLINARY CONSIDERATIONS**

7 20. To determine the degree of discipline, if any, to be imposed on Respondent Mark  
8 Lawrence Nazarian, M.D., Complainant alleges that on or about March 29, 2010, in a prior  
9 disciplinary action entitled, *In the Matter of the Accusation Against Mark Lawrence Nazarian,*  
10 *M.D.*, before the Medical Board of California, Case No. 10-2007-181465, Respondent's license  
11 was publicly reprimanded in connection with his care and treatment of one patient, as set forth in  
12 Accusation No. 10-2007-181465. That decision is now final and is incorporated by reference as  
13 if fully set forth herein.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Medical Board of California issue a decision:

- 17 1. Revoking or suspending Physician's and Surgeon's Certificate No. G63835, issued to  
18 Respondent Mark Lawrence Nazarian, M.D.;
- 19 2. Revoking, suspending or denying approval of Respondent Mark Lawrence Nazarian,  
20 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 21 3. Ordering Respondent Mark Lawrence Nazarian, M.D., if placed on probation, to pay  
22 the Board the costs of probation monitoring; and
- 23 4. Taking such other and further action as deemed necessary and proper.

24  
25 DATED: June 4, 2019

26   
27 KIMBERLY KIRCHMEYER  
28 Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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